

AMENDED IN ASSEMBLY JUNE 24, 2004

SENATE BILL

No. 1691

Introduced by Senator Vasconcellos

February 20, 2004

An act to add Section 2234.1 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1691, as amended, Vasconcellos. Physicians and surgeons: alternative or complementary medicine.

Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible through its Division of Licensing and Medical Quality for, respectively, licensing and regulating physicians and surgeons. Under the act, disciplinary action may be taken against a physician and surgeon for engaging in unprofessional conduct, which includes gross negligence, repeated negligent acts, and incompetence.

This bill would provide that a physician and surgeon is not subject to discipline for these particular aspects of unprofessional conduct solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, as defined, if specified conditions are satisfied.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2234.1 is added to the Business and
2 Professions Code, to read:

1 2234.1. (a) A physician and surgeon shall not be subject to
2 discipline pursuant to subdivision (b), (c), or (d) of Section 2234
3 solely on the basis that the treatment or advice he or she rendered
4 to a patient is alternative or complementary medicine if that
5 treatment or advice meets all of the following requirements:

6 (1) It is provided after ~~written~~ informed consent and a
7 good-faith prior examination of the patient, and medical indication
8 exists for the treatment or advice, *or it is provided for health or*
9 *wellbeing.*

10 (2) It is provided after the physician and surgeon has given the
11 patient written information *or direction on where to find options*
12 concerning conventional treatment ~~options~~ and describing the
13 education, experience, and credentials of the physician and
14 surgeon related to the alternative or complementary medicine he
15 or she practices.

16 (3) It does not ~~cause delay in~~ *discourage traditional* diagnosis
17 of a condition of the patient or death or other *substantial* injury
18 to the patient.

19 (b) For purposes of this section, “alternative or complementary
20 medicine” means those health care methods of diagnosis,
21 treatment, or healing that are not generally used but that provide
22 a reasonable potential for therapeutic gain in a patient’s medical
23 condition that is not outweighed by the risk of the health care
24 method.

